

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

**ANGELA HOGAN and ANDREA SEBERSON, on behalf of themselves and others similarly situated,**

Plaintiffs,

5

AMAZON.COM, INC.,

Defendant.

Case No. 2:21-cv-00996-JHC

**ORDER GRANTING MOTION TO  
CONSOLIDATE ACTIONS AND APPOINT  
INTERIM CLASS COUNSEL**

**CHRISTOPHER HOPPER**, on behalf of himself and others similarly situated,

Plaintiff,

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**AMAZON.COM, INC., and AMAZON.COM  
SERVICES LLC**

Case No. 2:23-cv-01523-JHC

**ORDER GRANTING MOTION TO  
CONSOLIDATE ACTIONS AND APPOINT  
INTERIM CLASS COUNSEL**

1           Currently pending before this Court are two proposed class actions that both raise  
 2 antitrust claims against Amazon.com Inc. and Amazon.com Services LLC (“Amazon”) based on  
 3 the same allegations that the company overcharges consumers by tying third-party sellers’ access  
 4 to the “Buy Box” on Amazon’s website to third-party sellers’ use of Amazon’s fulfillment  
 5 services: *Hogan v. Amazon.com, Inc.*, No. 2:21-cv-00996-JHC (W.D. Wash. filed July 26, 2021),  
 6 and *Hopper v. Amazon.com, Inc.*, No. 2:23-cv-01523 (W.D. Wash. filed Oct. 3, 2023).

7           Plaintiffs in *Hogan* and *Hopper* have jointly filed a Motion to Consolidate Actions and  
 8 Appoint Interim Class Counsel. Dkt. # 60. Amazon does not oppose Plaintiffs’ request for  
 9 consolidation and takes no position on Plaintiffs’ request for appointment of interim co-lead  
 10 counsel.

11           The Court concludes that these actions should be consolidated and that—as Plaintiffs  
 12 propose—Wexler Boley & Elgersma LLP; Cotchett, Pitre & McCarthy, LLP; Gustafson Gluek  
 13 PLLC; Terrell Marshall Law Group PLLC; and Taus, Cebulash & Landau, LLP should be  
 14 appointed interim co-lead class counsel for the proposed class in the *Hogan* and *Hopper*  
 15 complaints, with Wexler Boley & Elgersma LLP serving as chair of the co-lead group.  
 16 Consolidation of these actions and adoption of the leadership structure proposed by Plaintiffs  
 17 will aid in achieving efficiency and economy in what is likely to be expensive and complicated  
 18 litigation, and will enhance fairness to all parties concerned, as well as the proposed class.

19           In reaching these conclusions, the Court has carefully reviewed the motion and has also  
 20 considered the factors outlined in Rule 23(g) of the Federal Rules of Civil Procedure and other  
 21 authority cited by Plaintiffs. Plaintiffs’ submission demonstrates that the appointed firms satisfy  
 22 the requirements of Rule 23(g) for appointment as interim co-lead class counsel. These include  
 23 the work counsel have done in identifying or investigating potential claims in the action;  
 24 counsel’s experience in handling class actions, other complex litigation, and the types of claims  
 25 asserted in the action; counsel’s knowledge of the applicable law; and the resources that counsel  
 26 have available and will commit to representing the class.

Accordingly, the Court **GRANTS** Plaintiffs' Motion to Consolidate Actions and Appoint Interim Class Counsel and **ORDERS** as follows:

1. *Hogan v. Amazon.com, Inc.*, No. 2:21-cv-00996-JHC (W.D. Wash.), and *Hopper v. Amazon.com, Inc.*, No. 2:23-cv-01523 (W.D. Wash.), are consolidated under the case number for *Hogan*: No. 2:21-cv-996-JHC.

2. The Second Amended Complaint in *Hogan*, Dkt. # 44, will be the operative complaint in the consolidated action, without prejudice to Plaintiffs filing a consolidated amended complaint in the future pursuant to court order or as otherwise permitted under Federal Rule of Civil Procedure 15.

3. The Court's ruling on the pending motion to dismiss in *Hogan*, Dkt. # 49, shall bind all parties to the consolidated action: Plaintiff Angela Hogan, Plaintiff Andrea Seberson, Plaintiff Christopher Hopper, and Defendant Amazon.com, Inc. and Defendant Amazon.com Services LLC.

4. Wexler Boley & Elgersma LLP; Cotchett, Pitre & McCarthy, LLP; Gustafson Gluek PLLC; Terrell Marshall Law Group PLLC; and Taus, Cebulash & Landau, LLP are appointed as interim co-lead counsel for the proposed class, with Wexler Boley & Elgersma LLP serving as chair of the interim co-lead group.

IT IS SO ORDERED.

DATED this 27<sup>th</sup> day of November, 2023.

John H. Chun  
John H. Chun  
United States District Judge